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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,477	10/06/2001	M. Keith Sharp	11114-4	5317

7590

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EXAMINER

DESANTO, MATTHEW F

ART UNIT

PAPER NUMBER

3763

DATE MAILED: 10/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/973,477

Applicant(s)

SHARP, M. KEITH

Examiner

Matthew F DeSanto

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1-5, 11-13, and 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. As to claims 1-5, 11-13 and 15-20, it is unclear to the examiner what the applicant is trying to claim, because of the claim language " wherein at least a portion of the external peripheral rim is beveled back at least [25%]." The examiner is unclear with what the external peripheral rim is beveled back in accordance with or with respect to what structure or axis? The examiner interprets the language of the claim to mean wherein the rim is beveled back in accordance with the longitudinal axis of the tube.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Doyle et al. (USPN 6009933).

Doyle et al. disclosed a hypodermic needle used with a hypodermic syringe, wherein the needle comprises a hollow tube having an angled end with respect to a longitudinal axis of the tube, the end having an opening surrounded by an external peripheral rim, and where the external peripheral rim is beveled back at least 50%, to

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form an internal beveled surface, as well as the method of making the needle and a method of use. (Figures 1, 2, 3, 5, and entire reference).

As to claim 6, wherein the internal beveled surface is curved. (Figure 1 and 2).

As to claims 8, and 9, wherein the internal beveled surface surrounds 20-70% of the opening. (Figure 1 and 2).

5. Claims 1-6, 8, 10-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrett (USPN 5989209).

Barrett disclosed a needle comprises a hollow tube having an angled end with respect to a longitudinal axis of the tube, the end having an opening surrounded by an external peripheral rim, and where the external peripheral rim is beveled back at least 50%, to form an internal beveled surface, as well as the method of making the needle and a method of use. (Figures 7A, and 7B and entire reference).

As to claim 6, wherein the internal beveled surface is curved. (Figures 5 and 6).

As to claim 8, wherein the internal beveled surface surrounds 5-85% of the opening. (Figures 5 and 6).

6. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Henderson (USPN 3064651).

Henderson disclosed a hypodermic needle used with a hypodermic syringe, wherein the needle comprises a hollow tube having an angled end with respect to a longitudinal axis of the tube, the end having an opening surrounded by an external peripheral rim, and where the external peripheral rim is beveled back at least 50%, to

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form an internal beveled surface, as well as the method of making the needle and a method of use. (Figures 1, 2, 3 and entire reference).

As to claim 6, wherein the internal beveled surface is curved. (Figures 1 and 2).

As to claims 8, and 9, wherein the internal beveled surface surrounds 20-70% of the opening. (Figures 1 and 2).

7. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Huber (USPN 2717600).

Huber disclosed a hypodermic needle used with a hypodermic syringe, wherein the needle comprises a hollow tube having an angled end with respect to a longitudinal axis of the tube, the end having an opening surrounded by an external peripheral rim, and where the external peripheral rim is beveled back at least 50%, to form an internal beveled surface, as well as the method of making the needle and a method of use. (Figures 5, 6 and entire reference).

As to claim 6, wherein the internal beveled surface is curved. (Figures 5 and 6).

As to claims 8, and 9, wherein the internal beveled surface surrounds 20-70% of the opening. (Figures 5 and 6).

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew F DeSanto whose telephone number is 1-703-305-3292. The examiner can normally be reached on Monday-Friday 8:30-6:00.

The fax phone numbers for the organization where this application or proceeding is assigned are 1-703-872-9302 for regular communications and 1-703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1-703-308-0858.

Matthew DeSanto  
Art Unit 3763  
October 20, 2002

  
ANH TUAN T. NGUYEN  
PRIMARY EXAMINER  
